761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES 

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: November 29, 2007

OFFICE CORRESPONDENCE FILE NO. FO2200648

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY #
DEPUTY SERGIO COSIO #
DEPUTY #
DEPUTY #
SUPERVISING LINE DEPUTY #
MEN'S CENTRAL JAIL

On July 27, 2007 Deputy saw Inmate Mills in the hallway without a proper pass. Deputy questioned the inmate about his activities, which angered Inmate Mills. Deputy Cosio tried to speak to Inmate Mills, however, Inmate Mills became increasingly agitated, requiring the deputies to warn him several times to remain still and cooperate. Inmate Mills ignored their orders, clenched his fists, and started to move like he was going to start a fight. Deputies Cosio and did a takedown maneuver to bring Inmate Mills to the floor. Inmate Mills resisted handcuffing and fought the deputies by trying to hit and kick them. Additional deputies responded to provide assistance.

Deputy Cosio struck Inmate Mills several times in the face with the bottom of his fist and Deputy struck Inmate Mills several times in the elbow with a flashlight. Deputy tried to hold him down and control his arms to stop the fighting while Deputy sprayed Inmate Mills with OC spray.

Inmate Mills was eventually handcuffed and treated at the Men's Central Jail clinic for a bloody nose. He was later transferred to LCMC for observation. It was not until Sunday (July 29, 2007) that he was officially admitted due to a ruptured left eye.

On November 29, 2007 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MMP § 3-01/025.00, Use of Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy #

was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/025.00, Use of Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Sergio Cosio # was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/025.00, Use of Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy # was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/025.00, Use of Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy # was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/025.00, Use of Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Supervising Line Deputy # was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Johnny G. Jurado, Commander

JGJ:MOT:mt

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- Deputy [redacted]
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- Copy of In-service, Men's Central Jail, Dated July 27, 2007, PM Shift
- Watch Commander's Mandatory Notification Form, Dated July 27, 2007
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Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN:	007-01047-5100-145	Date:	07/27/2007	Time:	1930 Hours
Location:	441 Bauchet Street				
City or Station:	Los Angeles				
Bureau/Station/Facility:	Custody Division / Men's Central Jail	Admin. Investigation:	YES ☐ NO ☒		

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Eagar,	Anthony	

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		40	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
Los Angeles County Jail Inmate - Booking # [redacted]				

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		45	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
Los Angeles County Jail Inmate - Booking # [redacted]				

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		50	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
Los Angeles County Jail Inmate - Booking # [redacted]				

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Allen,	Victor		Sgt.	YES ☐ NO ☒	YES ☐ NO ☒
[redacted]	[redacted]	[redacted]		B-1	YES ☒ NO ☐	YES ☒ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Vargas,	Alejandro	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Olson	Gary	

Watch Commander's Signature: ____________________ Emp #: __________

Copy Provided to Employee by: ____________________ Emp #: __________

Supervisor Completing Form: Sergeant Steve D. Kim (Print) Emp #: [redacted]

Unit Commanders Signature: ____________________ Emp #: __________ Date Signed: __________

PSTD Use Only

FO#

Original: Unit Commander
Copy: P.S.T.D.Headquarters, Employee

See Reverse

Supervisor's Report on Use of Force

URN: 007-01047-5100-145

Method

- (AW) Arwen
- (BC) Baton: (Control)
- (BI) Baton: (Impact)
- (BF) Bodily Fluids
- (CN) Canine
- (CR) Carotid Restraint
- (CH) Choke Hold
- (CT) Control Holds: (Control Techniques)
- (TT) Control Holds: (Team Takedown)
- (TD) Control Holds: (Takedown)
- (CE) Chemical
- (OC) Chemical Agents (OC Spray)
- (TG) Chemical Agents (Tear Gas)
- (EX) Explosives
- (FH) Firearm (Handgun)
- (FR) Firearm (Rifle)
- (FS) Firearm (Shotgun)
- (FO) Firearm (Other)
- (FB) Flashbang
- (FL) Flashlight
- (OE) Other Weapon: Edged
- (OV) Other Weapon: Vehicle
- (OB) Other Weapon: Blunt Object
- (OO) Other Weapon: Other
- (PK) Personal Weapon: Feet/Leg: (Kick)
- (PS) Personal Weapon: Feet/Leg: (Sweep)
- (PH) Personal Weapon (Hand/Arm)
- (PP) Personal Weapon (Push)
- (PO) Personal Weapon (Other)
- (RS) Resistance
- (CN) Restraint Device (Capture Net)
- (RH) Restraint Device (Handcuffs)
- (HB) Restraint Device: Hobble (Legs Only)
- (TP) Restraint Device: Hobble (TARP)
- (RE) Restraint Device: REACT Belt
- (SP) Sap
- (SH) Shield
- (SG) 37mm Stinger
- (SB) Sting Ball
- (ST) Stun Bag
- (TR) Taser
- (UC) Uncooperative

Type of Injury

- (AB) Abrasion
- (BR) Bruise
- (BU) Burn
- (CP) Complaint of Pain
- (CO) Concussion
- (DH) Death
- (DI) Dislocation
- (DB) Dog Bite
- (FR) Fractures
- (GS) Gunshot
- (HB) Human Bite
- (LC) Lacerations
- (ND) Nerve Damage
- (OD) Organ Damage
- (PA) Paralysis
- (PW) Puncture Wound
- (SD) Soft Tissue Damage
- (ST) Sprain/Twists
- (UN) Unconscious
- (RM) Refused Med Treatment
- (NN) NONE

Body Part Injured

- (AD) Abdomen
- (AK) Ankle
- (AR) Arm
- (BK) Back
- (BT) Buttocks
- (CH) Chest
- (EL) Elbow
- (FA) Face
- (FE) Feet
- (FI) Fingers
- (GE) Genitals
- (GR) Groin
- (HD) Hands
- (HE) Head
- (HI) Hip
- (IN) Internal
- (KN) Knees
- (LE) Leg
- (NK) Neck
- (NO) Nose
- (SH) Shoulder
- (WR) Wrist

FORCE APPLIED

(Only One Code Per Block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
S#1-Mills	E#1-	UC		
S#1-Mills	E#2-Cosio	UC		
S#1-Mills	E#2-Cosio	PH	AB	FA
S#1-Mills	E#3-	RS		
S#1-Mills	E#4-	RS		
S#1-Mills	E#4-	PH	NN	
S#1-Mills	E#5-	RS		
E#1-	S#1-Mills	TD	NN	
E#1-	S#1-Mills	PH	NN	
E#1-	S#1-Mills	CT	NN	
E#2-Cosio	S#1-Mills	TD	NN	
E#2-Cosio	S#1-Mills	PH	SD	FA
E#3-	S#1-Mills	CT	NN	
E#3-	S#1-Mills	RH	NN	
E#4-	S#1-Mills	FL	NN	
E#5-	S#1-Mills	OC	NN	

See Front Side

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 007-01047-5100-145

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	Hispanic	Men's Central Jail	51 / 54 Prowl/Movement

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty		5'9"	210 lbs

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case #	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

E2

Employee #	Last Name	First Name	Middle Name
	Cosio,	Sergio	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	Hispanic	Men's Central Jail	5000 Prowl #4

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty		5'7"	240 lbs

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☒

E3

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	White	Men's Central Jail	5000 Prowl #3

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty		6'2"	220 lbs

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

E4

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	Hispanic	Men's Central Jail	5000 / 9000 Senior Line Deputy

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty		5'7"	210 lbs

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☒

E5

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	Other	Men's Central Jail	5000 Prowl / Movement

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty		5'8"	158 lbs

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

See Other Side

Supervisor's Report on Use of Force
SUSPECT INFORMATION

URN: 007-01047-5100-145

Suspect Information

S1

Last Name	Mills,	First Name	Romale	Middle Name	
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☒ Male ☐ Female	Black	[redacted]	[redacted]	[redacted]

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
[redacted]	[redacted]	28	5'10"	09/03/78	180 lbs	☐

Booking #: 9699948 Primary Charge: 11377(a) H&S Secondary Charge: 11550(a) H&S Criminal History [redacted]

Hospital Admission? ☒ Rec'd Treatment At: LAC-USC Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☒ NO Substance: ______ Photos of Suspect's Injuries ☒ YES ☐ NO

Suspect Interview

Date:	Time:	
07/27/2007 & 07/30/2007	2021 & 1717	Audiotape: ☒ Videotape: ☒

Suspect Information

S_

Last Name		First Name		Middle Name	
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance: ______ Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date:	Time:	
		Audiotape: ☐ Videotape: ☐

Suspect Information

S_

Last Name		First Name		Middle Name	
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance: ______ Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date:	Time:	
		Audiotape: ☐ Videotape: ☐

See Other Side

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
IAB CASE #FO2200648

TYPE OF INCIDENT:	**Significant Use of Force**
DATE / DAY / TIME:	**July 27, 2007 / Friday / 1930 Hours**
LOCATION:	**Men's Central Jail** **441 Bauchet Street, Los Angeles, California 90012**
DATE OF DEPARTMENT KNOWLEDGE:	**July 27, 2007**
URN:	**007-01047-5100-145**
IAB INVESTIGATOR:	**Sergeant Steve D. Kim**

SYNOPSIS

On Monday, July 30, 2007, Sergeants Steve Kim and David Stunson of the Internal Affairs Bureau responded to Men's Central Jail regarding a use of force by deputy personnel, which occurred on July 27, 2007. The notification to Internal Affairs Bureau was delayed because the injury to the inmate involved in the use of force was unknown until two days after the incident.

On July 27, 2007, Deputy [redacted] saw Inmate Mills in the hallway without a proper pass. It was later determined that Inmate Mills left church services early. Deputy [redacted] had Inmate Mills stand facing the wall as he questioned the inmate about his activities. Deputy Cosio saw Deputy [redacted] speaking with Inmate Mills who was less than cooperative. Deputy Cosio tried to speak to Inmate Mills and build a rapport with him. However, Inmate Mills became increasingly agitated, requiring the deputies to warn him several times to remain still and cooperate. Inmate Mills ignored their orders and suddenly clenched his fists, resulting in Deputies Cosio and [redacted] performing a takedown maneuver to bring him to the floor. Inmate Mills resisted handcuffing and became assaultive. Additional deputies responded to provide assistance.

Deputy Cosio struck Inmate Mills several times in the face with the bottom of his fist in a hammer-like fashion. Deputy [redacted] struck Inmate Mills several times in the elbow with a flashlight as Deputy [redacted] tried to hold the inmate down and control his arms. Deputy [redacted] sprayed the inmate with his oleoresin capsicum spray. Inmate Mills was eventually handcuffed and treated at the Men's Central Jail clinic for a bloody nose. He was later transferred to LAC+USC Medical Center for observation. It was not until Sunday (July 29, 2007) that he was officially admitted due to a ruptured left eye.

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IAB Note: *The Incident was captured on time lapsed video. The video footage was downloaded onto a compact disk, which is including in this investigation as* ***Exhibit A****.*

Also refer to the video footage time line, which is included in this investigation as ***Exhibit B****.*

INVOLVED PERSONNEL

Deputy [redacted] #[redacted]
Unit of Assignment: Men's Central Jail
Date of Employment: June 1, 2001
Date Assigned to Unit: November 5, 2006
Prior Founded Use of Force: [redacted]

Deputy Sergio Cosio #[redacted]
Unit of Assignment: Men's Central Jail
Date of Employment: May 24, 2006
Date Assigned to Unit: October 1, 2006
Prior Founded Use of Force: [redacted]

Deputy [redacted] #[redacted]
Unit of Assignment: Men's Central Jail
Date of Employment: April 17, 2006
Date Assigned to Unit: October 1, 2006
Prior Founded Use of Force: [redacted]

Supervising Line Deputy [redacted] #[redacted]
Unit of Assignment: Men's Central Jail
Date of Employment: June 1, 1999
Date Assigned to Unit: August 14, 2005
Prior Founded Use of Force: [redacted]

Deputy [redacted] #[redacted]
Unit of Assignment: Men's Central Jail
Date of Employment: November 30, 2005
Date Assigned to Unit: April 9, 2006
Prior Founded Use of Force: [redacted]

SUSPECT

Romale Mills
Sex: Male
Race: Black
Date of Birth: September 3, 1978
Booking #: 9699948
Charge: 11377(a) H&S: Possession of Controlled Substance
Injury: Ruptured Left Eye

WITNESSES

Deputy Anthony Eagar #
Unit of Assignment: Men's Central Jail

Inmate
Booking #

Inmate
Booking #

Inmate
Booking #

INVOLVED PERSONNEL STATEMENTS

Deputy

Deputy was interviewed by Sergeant Steve Kim on August 17, 2007. He was represented by Attorney Helen Schwab of "Green and Shinee." The interview was digitally recorded.

Deputy said he was providing security during pill call on the 5000 floor of Men's Central Jail when he saw Inmate Mills wandering the hallway. Inmate Mills had his hands out of his pockets with his shirt untucked.

> ***IAB Note:*** *Inmates housed in County Jail Facilities are required to have their shirts tucked in with their hands in their pockets when walking in the hallways. All inmates are oriented regarding jail rules when they are first brought into the county jail system. Furthermore, inmates are not allowed to roam the hallways to prevent the inmates from passing contraband, such as narcotics and jail made weapons, between themselves.*

Deputy detained Inmate Mills by ordering him to stand facing a wall with his hands in his pocket. Inmate Mills complied with his orders. Inmate Mills told Deputy that he was coming from church. Deputy told Inmate Mills to return to church service since it was still in progress. Inmate Mills responded by saying, "Man, I fuckin' prayed all I could fuckin' pray

already." At the same time, Inmate Mills turned around and faced Deputy [redacted] Deputy Langarica ordered Inmate Mills to turn around and face the wall. Deputy [redacted] feared that Inmate Mills was going to be uncooperative and become assaultive. Deputy [redacted] said he thought to himself, "Please go back to church. Please Go back to church," hoping that a confrontation would not occur.

Deputy [redacted] said Deputy Cosio arrived to provide back-up. Deputy Cosio looked at Inmate Mills' wristband and asked him (Inmate Mills) what was wrong. Inmate Mills looked at Deputy Cosio and said, "You ask too many fuckin' questions." Inmate Mills clenched his fists and began to sway his body back and forth as if he was about to turn toward Deputy Cosio. Deputy [redacted] said he saw Deputy Cosio kick Inmate Mills' right leg to cause him to lose balance.

Deputy [redacted] said he grabbed the back of Inmate Mills' shirt to take him down to the floor. Simultaneously, he reached for his oleoresin capsicum spray but lost grip of the spray which fell onto the floor. Deputy [redacted] bent down to retrieve the spray. By the time he stood up again, Inmate Mills was down on the floor on his stomach. Inmate Mills was swinging his elbows and kicking at Deputy Cosio. Deputy [redacted] said he tried to stop Inmate Mills' assaultive and resistive behavior by hitting him four to five times on his back with his right fist. Deputy [redacted] said Deputy Cosio ordered Inmate Mills to stop resisting and give up his hands. However, Inmate Mills continued to resist. Therefore, Deputy [redacted] punched Inmate Mills' three to four times in the right side of the face with his fist. The punches had no effect on Inmate Mills who continued his attempts to get up and swing his elbows.

Deputy [redacted] said he saw Supervising Line Deputy [redacted] standing to the left side of him. Deputy [redacted] yelled, "He's got my leg! He's got my leg!" Deputy [redacted] ordered Inmate Mills to let go of the deputy's leg and to surrender his hands and arms. When Inmate Mills refused to comply and continue to resist, Deputy [redacted] punched him five to six times in the left rib cage. That had no effect on Inmate Mills.

Deputy [redacted] said he heard Deputy [redacted] yell for everyone to stay clear. Deputy [redacted] then struck Inmate Mills' left arm twice with his flashlight. At the same time, Deputy [redacted] who arrived to assist with the resisting inmate, sprayed Inmate Mills with his oleoresin capsicum spray. That had the desired effect because Deputy [redacted] and Deputy [redacted] who also arrived to assist, were able to subdue and handcuff Inmate Mills without further incident.

Deputy [redacted] said he did not sustain any injuries during the incident.

> ***IAB Note:*** *Deputy [redacted] prepared a supplementary report under file number 007-01047-5100-145. Deputy [redacted] statement was consistent with his report. A copy of this report is included in this investigation as* ***Exhibit C****.*

Refer to Deputy [redacted] interview transcript for further.

Deputy Sergio Cosio:
Deputy Cosio was interviewed by Sergeant Steve Kim on August 17, 2007. He was represented by Attorney Helen Schwab of "Green and Shinee." The interview was digitally recorded.

Deputy Cosio has been employed by the Sheriff's Department for eleven months. He has been assigned to Men's Central Jail for the same length of time.

Deputy Cosio said on July 27, 2007, he saw Deputy [REDACTED] talking to Inmate Mills. Deputy Cosio said he could hear Deputy [REDACTED] telling Inmate Mills that he must return to church service. Deputy Cosio saw that Inmate Mills was not cooperating with Deputy [REDACTED]

IAB Note: *Deputy Cosio explained that many inmates use these services to their advantage and take the opportunity to roam the facility and pass contraband, such as narcotics and jail made weapons, to other inmates.*

Deputy Cosio approached Deputy [REDACTED] and Inmate Mills. He said his intention was to de-escalate the situation by trying to build a rapport with Inmate Mills. Deputy Cosio said he looked at Inmate Mills' wristband and began calling him by his name. Deputy Cosio calmly asked Inmate Mills what was going on. Inmate Mills replied, "You ask a lot of fuckin' questions." Inmate Mills then clenched his fists and started to turn his body toward him.

Deputy Cosio said he had undergraduate studies in human behavior and human spaciation. Due to his studies and experience, the behavior and movement of Inmate Mills suggested to him that he (Inmate Mills) was about to become assaultive. Therefore, Deputy Cosio instinctively reacted by taking him down to the floor. Deputy Cosio said he reached over Inmate Mills' right shoulder and kicked his left leg in a sweeping motion to get him off balance. Simultaneously, Inmate Mills hit Deputy Cosio in the left cheek and lip with his fist.

Deputy Cosio said Inmate Mills initially landed on his back. Inmate Mills resisted and rotated his body onto his stomach. Deputy Cosio said he ordered Inmate Mills to stop fighting. Inmate Mills did not comply and continued to fight by swinging his arms at him and refusing to place his hands behind his back. Therefore, Deputy Cosio hit Inmate Mills two to three times in the left side of his face with the bottom portion of his fist. Deputy Cosio said he "disengaged" and ordered Inmate Mills to stop fighting. Inmate Mills continued his resistance so Deputy Cosio hit him two to three times in the right side of the face with the bottom portion of his fist.

Deputy Cosio again ordered Inmate Mills to stop resisting. Inmate Mills continued to fight. Inmate Mills then grabbed Deputy [REDACTED] leg. Therefore, Deputy Cosio hit him two to three more times in the left side of his face with the bottom portion of his fist. Deputy [REDACTED] arrived and sprayed Inmate Mills' face with his oleoresin Capsicum spray. Deputy Cosio said he was affected by the spray. Deputies [REDACTED] and [REDACTED] were then able to handcuff Inmate Mills without further incident.

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IAB Note: *Lieutenant Marvin Washington of Custody Division Training said his unit does teach deputies to strike with the bottom of their fists as an option when fighting with an assaultive/combative inmate or suspect. He said this is an effective personal weapon striking technique which also reduces injuries to the hands.*

Deputy Cosio said he felt there was increased tension among inmates toward deputies on the 5000 floor because there were two recent incidents involving deputies and inmates. On the first incident, a deputy was kicked in the chest by an inmate. On the second incident, which occurred just two days prior, Deputy [redacted] was nearly choked by an inmate. Those two incidents caused him to be extra cautious and wary about inmate activity on the 5000 floor.

Deputy Cosio sustained a small laceration on his lip and an abrasion on his left cheek.

IAB Note: *Sergeant Kim attempted to obtain a copy of the employee injury report at Men's Central Jail. However, he was unable to locate the report.*

Deputy Cosio said he saw that Inmate Mills was bleeding from his nose as a result of the incident.

IAB Note: *Deputy Cosio prepared an Incident Report under file number 007-01047-5100-145. The report included photographs of Deputy Cosio's injuries. The report is consistent with Deputy Cosio's statement. Copy of the report and photographs are included in this investigation as* ***Exhibit D****.*

Refer to Deputy Cosio's interview transcript for further.

Deputy [redacted]

Deputy [redacted] was interviewed by Sergeant Steve Kim on August 17, 2007. He was represented by Attorney Helen Schawb of "Green and Shinee." The interview was digitally recorded.

Deputy [redacted] has been employed by the Sheriff's Department for a year and four months. He was assigned to Men's Central Jail for the same length of time.

Deputy [redacted] said on July 27, 2007, he was in the 5100 and 5200 dorm when he heard someone yell, "Stop fighting!" He said he knew right away that someone was involved in a fight so he ran out of the dorm. As he ran down the main hallway, he saw Deputies [redacted] Cosio, [redacted] and [redacted] struggling with a resistive and combative inmate on the floor. Inmate Mills was "flailing around" and struggling with the deputies. He said the inmate was faced down and the deputies were trying to secure his limbs.

IAB Note: *Deputy [redacted] said the distance between the dorm which he was in to the location of the fight was about 200 yards.*

Deputy said he ran up to the fight and placed his left knee on Inmate Mills' center back area to secure him to the floor. Inmate Mills continued to resist as the deputies tried to subdue him. Inmate Mills then tucked his arms under him. Inmate Mills then grabbed Deputy leg with his left arm in a curl and grabbed his left wrist with his right hand.

Deputy heard Deputy yell, "He's got my leg! He's got my leg!" He saw Deputy strike Inmate Mills' left arm with a flashlight. Inmate Mills released the leg but continued to resist. Deputy said he then retrieved his "Freeze+P" oleoresin capsicum spray and sprayed the inmate with one to two second burst into his face. Deputy said the spray affected the inmate but he continued to resist. Deputies and were finally able to overcome the inmate's resistance and handcuff him without further incident.

Deputy said he did not strike Inmate Mills. He said he did not see anyone else strike the inmate other than Deputy Deputy was not injured.

Deputy said he was involved in a fight with another inmate on the same floor just two days prior to this incident. He said that during the fight he fell onto the floor on his stomach. The inmate jumped on Deputy back and began choking him. Deputy said he struggled with the inmate to stop him from choking when deputies arrived and "rescued" him from the inmate.

Deputy said since that incident, he noticed that inmates have been challenging the deputies more. He said many of the inmates are new ("New Fish") and not familiar with the jail environment. Many are not accustomed to following simple rules such as walking in the hallways with their hands in the pockets and tucking in their shirts.

> ***IAB Note:*** *Deputy prepared a supplementary report under the file number 007-01047-5100-145. The report is consistent with Deputy statement. A copy of the report is included in this investigation as* ***Exhibit E.***

Refer to Deputy interview transcript for further.

Deputy

Deputy was interviewed by Sergeant Steve Kim on August 17, 2007. He was represented by Attorney Helen Schawb of "Green and Shinee." The interview was digitally recorded.

Deputy has been employed by the Sheriff's Department for one year. He has been assigned to Men's Central Jail for the same length of time.

Deputy said on July 27, 2007, he was talking to Deputy at the 5000 floor control booth ("The Point") when he heard deputies shout, "Stop fighting, stop fighting!" He said he ran down the hall and saw Deputies Cosio and struggling to subdue Inmate Mills on the floor.

Inmate Mills was faced down.

> ***IAB Note:*** *Deputy [redacted] said the distance between "The Point" and the location where the incident occurred is about 40 yards.*

Deputy [redacted] said he tried to pull out Inmate Mills right arm which was tucked under him. As he tried to gain control of the inmate's right arm, Deputy [redacted] heard Deputy [redacted] yell, "He's got my leg! He's got my leg!" Deputy [redacted] looked down and saw that Inmate Mills had his left arm around Deputy [redacted] ankle area. At that time, Deputy [redacted] sprayed the inmate with his oleoresin capsicum spray. Deputy [redacted] said he and Deputy [redacted] were able to force Inmate Mills' arms behind his back and handcuff him without further incident.

Deputy [redacted] said he did not strike the inmate. He said he did not see anyone hit the inmate because he was focused on trying to get his right arm behind his back to handcuff him.

> ***IAB Note:*** *Deputy [redacted] prepared a supplementary report under the file number 007-01047-5100-145. The report is consistent with Deputy [redacted] statement. A copy of the report is included in this investigation as* ***Exhibit F****.*

Deputy [redacted]

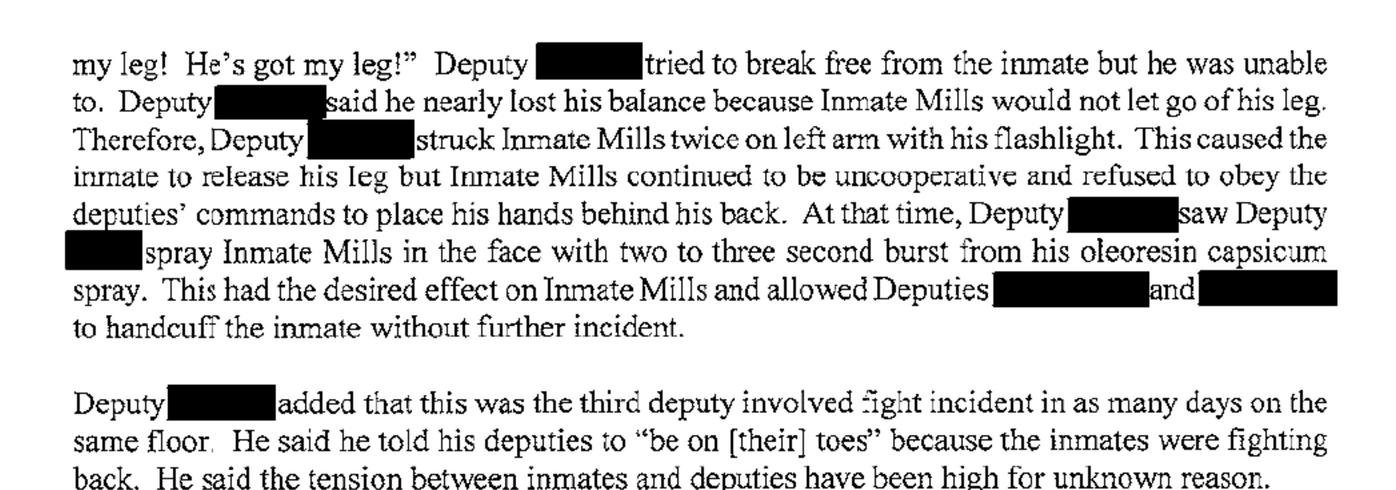
Deputy [redacted] was interviewed by Sergeants Steve Kim and Yolanda Clay on August 29, 2007. He was represented by Attorney Adam Marangell of LASPA. The interview was digitally recorded.

Deputy [redacted] has been employed by the Sheriff's Department for eight years. He has been assigned to Men's Central Jail for a year and a half. He was the Supervising Line Deputy on July 27, 2007.

Deputy [redacted] said he was supervising pill call on the 5000 floor when he heard deputies yelling, "Stop fighting! Stop fighting!" He looked down the hallway and saw Deputies Cosio and [redacted] on the floor with Inmate Mills. The deputies were struggling to gain control of Inmate Mills who was resisting.

Deputies [redacted] and [redacted] quickly ran down the hall toward Deputies Cosio and [redacted] He saw Deputy [redacted] try to pull out Inmate Mills' arm which was tucked under him as Deputies Cosio and [redacted] tried to gain control while yelling at the inmate to stop fighting. Inmate Mills was uncooperative and continued to resist by thrashing his body around. Deputy [redacted] saw Deputy Cosio strike Inmate Mills in the face about five to six times with the bottom of his fist.

Deputy [redacted] said the strikes by Deputy Cosio had no affect on Inmate Mills who continued to resist. Deputy [redacted] told the deputies to try and handcuff the inmate. At that time, Inmate Mills grabbed Deputy [redacted] right ankle with his left arm. Deputy [redacted] said he yelled, "He's got



my leg! He's got my leg!" Deputy tried to break free from the inmate but he was unable to. Deputy said he nearly lost his balance because Inmate Mills would not let go of his leg. Therefore, Deputy struck Inmate Mills twice on left arm with his flashlight. This caused the inmate to release his leg but Inmate Mills continued to be uncooperative and refused to obey the deputies' commands to place his hands behind his back. At that time, Deputy saw Deputy spray Inmate Mills in the face with two to three second burst from his oleoresin capsicum spray. This had the desired effect on Inmate Mills and allowed Deputies and to handcuff the inmate without further incident.

Deputy added that this was the third deputy involved fight incident in as many days on the same floor. He said he told his deputies to "be on [their] toes" because the inmates were fighting back. He said the tension between inmates and deputies have been high for unknown reason.

Deputy saw blood coming from Inmate Mills' nose or face area. Inmate Mills was escorted to the Men's Central Jail clinic where he was treated for his injuries. Inmate Mills was later transported to the Los Angeles County Medical Center (LAC+USC) for further treatment.

Deputy said he saw that Deputy Cosio had a swollen lip and abrasions to his face as a result of this incident. Deputy refused medical treatment.

Deputy said he did not sustain any injuries.

> ***IAB Note:*** *Deputy prepared a supplementary report under the file number 007-01047-5100-145. The report was consistent with Deputy statement. A copy of the report is included in this investigation as* ***Exhibit G****.*
>
> *All of the deputies involved in the use of force notified Sergeant Victor Allen regarding their involvement immediately after the incident.*

WITNESS STATEMENT

Deputy Anthony Eagar:
Deputy Eagar prepared a supplementary report under the file number 007-01047-5100-145, documenting what he witnessed during the force incident.

Deputy Eagar wrote in his report that he was in the control booth on the 5000 floor when he heard a deputy yell, "Stop fighting!" He immediately ran out into the hallway and saw Inmate Mills fighting with several deputies. He saw Deputies Cosio, and trying to handcuff Inmate Mills, who was laying on the floor, faced down. Deputy Eagar said that by the time he reached the deputies, Inmate Mills was already handcuffed.

Deputy Eagar later escorted Inmate Mills to the clinic where he was treated for his injuries. Deputy

Eagar notified Sergeant Allen regarding what he witnessed.

> ***IAB Note:*** *Deputy Eagar prepared a supplementary report under the file number 007-01047-5100-145. The report is consistent with Deputy Eagar's statement. A copy of the report is included in this investigation as* ***Exhibit H****.*

Inmate [REDACTED]

Inmate [REDACTED] was interviewed by Sergeant Victor Allen of Men's Central Jail on July 27, 2007. The interview was video taped.

Inmate [REDACTED] said he was in the 5000 floor hallway during pill call when a fight between deputies and an inmate occurred. Inmate [REDACTED] said that as soon as the fight started he faced the wall because he did not want to get in trouble.

Inmate [REDACTED] said before the fight started, he heard Inmate Mills tell the deputies that he was coming back from church because he was finished praying. Inmate Mills also said that he wanted to get some medication. Inmate [REDACTED] said he heard Inmate Mills and the deputies argue for an unknown reason. Next thing he knew, Inmate Mills and the deputies were on the floor. Inmate [REDACTED] did not know how they ended up on the floor.

Inmate [REDACTED] said he glanced at the fight and saw the deputies struggling to get Inmate Mills' hands behind his back. Inmate [REDACTED] heard the deputies yell, "Put your arms behind your back! Put your arms behind your back! Give me your hands! Give me your hands!" Inmate [REDACTED] said that one of the deputies yelled, " He's got my leg! He's got my leg!" Inmate [REDACTED] then heard one of the deputies say, "He's handcuffed."

Inmate [REDACTED] said he did not see nor hear anything else.

Inmate [REDACTED]

Inmate [REDACTED] was interviewed by Sergeant Allen on July 27, 2007. The interview was video taped.

Inmate [REDACTED] said he was in the 5000 floor hallway when the fight between the inmate and deputies happened. Inmate [REDACTED] said he did not see anything. However, he heard the inmate and the deputies arguing about facing the wall and something about church. Inmate [REDACTED] said that the inmate was disrespecting the deputies by not wanting to turn and face the wall. He said the deputies sounded calm. Inmate [REDACTED] added that the inmate was not yelling but his voice was louder than an average tone of voice.

Inmate [REDACTED] said he did not see nor hear anything else.

Inmate [REDACTED]

Inmate [REDACTED] was interviewed by Sergeant Allen on July 27, 2007. The interview was video taped.

Inmate [redacted] said he did not see nor hear anything. He said he simply did not pay attention to what was going on.

> ***IAB Note:*** *The videos of the inmate witness interviews were digitally converted and downloaded onto a compact disk. A copy of the compact disk is included in this investigation as **Exhibit I**.*

SUSPECT STATEMENT

Inmate Romale Mills:

On July 27, 2007, Sergeant Allen attempted to interview Inmate Mills while he was in the clinic at Men's Central Jail. Inmate Mills was uncooperative with Sergeant Allen. He spoke in a very soft voice and mumbled. Sergeant Allen asked him several times to speak up but he did not cooperate.

Inmate Mills' interview with Sergeant Allen was video taped.

> ***IAB Lock:*** *The video of Inmate Mills' interview with Sergeant Allen was digitally converted and downloaded onto a compact disk. Refer to **Exhibit I** for the video.*

Inmate Mills was interviewed by Sergeants Steve Kim and David Stunson on July 30, 2007, at LAC+USC Medical Center. Inmate Mills had surgery to repair a ruptured left eye. He was laying on his bed during the interview. Inmate Mills was awake and alert.

Inmate Mills said he was in church service at Men's Central Jail when he started feeling weak. He said his wrist was also hurting because he was in handcuffs for a long time when he recently returned from court. He said he left church service early to walk to the clinic and seek medical attention. He said he tried to stay in line with the other inmates as he walked down the hallway.

Inmate Mills said a deputy stopped him and asked him where he was coming from. He told him he was coming from church service. The deputy told him to return to church. Inmate Mills told the deputy that he just left the church and that he wanted to see the doctor or a nurse because he wasn't feeling well.

Inmate Mills said he became frustrated when the deputy would not help him to see the doctor. He said he got so frustrated that he wanted to fight the deputies but he didn't. He said he clenched his fists "to gain enough strength" and "use as much muscle power as [he] can" to follow the deputy's orders.

Inmate Mills said he remembered suddenly being taken down to the ground. He said he landed face down on the floor. His face did not hit the floor. He remembered being hit in the face several times. Deputies were telling him to stop resisting and stop fighting. He said that he was not fighting nor resisting. Then he said he was pepper sprayed in the face and handcuffed. He was eventually

escorted to the clinic for medical treatment.

Inmate Mills said he did not remember yelling or cursing at the deputies. He said he did not say anything wrong to the deputies. He said he did not hit nor kick at the deputies.

Inmate Mills said he sustained injuries to his left eye and hip area as a result of the altercation with deputies.

IAB Note: *Sergeants Kim and Stunson did not see any visible injuries on Inmate Mills' hit area. His left eye was bandaged from the surgery. Sergeant Kim took photographs of Inmate Mills' alleged injuries. Copies of the photographs are included in this investigation as* ***Exhibit J****.*

Deputy Eagar prepared an Inmate Injury Report, under the file number 5100-2007-0727-007. A copy of this is included in this investigation as ***Exhibit K****.*

Inmate Mills voluntarily signed a medical record release form. Sergeant Steve Kim obtained the medical records from LAC+USC Medical Center. The attending physician was Doctor Mario Meallet and the surgeon was Doctor Harsha Reddy. The doctors noted that Inmate Mills had a defect in his palate (roof of the mouth) from a previous gunshot wound.

The doctors also noted a large corneal (the transparent anterior part of the external coat of the eye covering the iris and the pupil and continuous with the sclera) laceration extending two-thirds of the way diagonally across the cornea visible under a microscope. It was further noted that Inmate Mills had a history of ruptured globe and corneal laceration two to three years ago, which was repaired at UCLA Harbor General Hospital. The doctors discovered two sutures already in the cornea prior to the operation.

According to the "Report of Operation," it appears that Inmate Mills' previous injury to his left eye contributed to the injuries he received as a result of this incident.

Sergeant Kim contacted the Head Physician, Doctor Marie Russell, at LAC+USC jail ward on the thirteenth floor. She said, according to the medical records, Inmate Mills' left eye had previously been badly damaged. The prognosis of the eye was listed as "poor." The sutures which were found in the eye during surgery may have been left in the eye because Inmate Mills may not have followed up with the doctor who treated him for the initial eye injury. Doctor Russell said the trauma required to re-injure the same eye would have been much less due to the poor condition of his left eye.

Upon further review of Inmate Mills medical records, it showed that he had a "condylar neck fracture" which was discovered from a facial CT scan. Doctor Russell explained that a "condylar neck fracture" is a fracture of the jaw line. Doctor Russell further said after reviewing the CT scan report, which was not included in the medical records that Sergeant Kim received from the hospital, that the "condylar neck fracture" was also a previous injury. The facial CT scan report specifically stated that "no new fractures were located" on Inmate Mills' face.

A copy of Inmate Mills' medical record is included in this investigation as ***Exhibit L.***